

State of California
AIR RESOURCES BOARD
Executive Order DG-013
Distributed Generation Certification of
FuelCell Energy, Inc.
DFC300MA/C300 Fuel Cell

WHEREAS, the Air Resources Board (ARB) was given the authority under California Health and Safety Code section 41514.9 to establish a statewide Distributed Generation (DG) Certification Program to certify electrical generation technologies that are exempt from the permit requirements of air pollution control or air quality management districts;

WHEREAS, this DG Certification does not constitute an air pollution permit or eliminate the responsibility of the end user to comply with all federal, state, and local laws, rules and regulations;

WHEREAS, on October 20, 2006, FuelCell Energy, Inc. applied for a DG Certification of its 300 kW, DFC300MA/C300 Fuel Cell and whose application was deemed complete on November 9, 2006;

WHEREAS, FuelCell Energy, Inc. has demonstrated, according to test methods specified in title 17, California Code of Regulations (CCR), section 94207, that its natural-gas-fueled DFC300MA/C300 Fuel Cell has complied with the following emission standards:

1. Emissions of oxides of nitrogen no greater than 0.07 pound per megawatt-hour;
2. Emissions of carbon monoxide no greater than 0.10 pound per megawatt-hour;
3. Emissions of volatile organic compounds no greater than 0.02 pound per megawatt-hour; and
4. Emissions of particulate matter no greater than an emission limit corresponding to natural gas with a fuel sulfur content of no more than 1 grain per 100 standard cubic feet;

WHEREAS, FuelCell Energy, Inc. has demonstrated that its DFC300MA/C300 Fuel Cell complies with the emissions durability requirements in title 17, CCR, sections 94203 (c);

WHEREAS, I find that the Applicant, FuelCell Energy, Inc., has met the requirements specified in article 3, title 17, CCR, and has satisfactorily

demonstrated that the DFC300MA/C300 Fuel Cell meets the 2007 DG Certification emission standards;

NOW THEREFORE, IT IS HEREBY ORDERED, that a DG Certification, Executive Order DG-013, executed at Sacramento, California on January 9, 2007 is hereby granted.

This DG Certification:

- 1) is subject to all conditions and requirements of the ARB's DG Certification Program, article 3, title 17, CCR, including the provisions relating to inspection, denial, suspension, and revocation;
- 2) shall be void if any manufacturer's modification results in an increase in emissions or changes the efficiency or operating conditions of a model, such that the model no longer meets the 2007 DG Certification emission standards; and
- 3) shall expire on January 9, 2011.

Catherine Witherspoon
Executive Officer
by

/s/

Robert D. Fletcher, Chief
Stationary Source Division